REMARKS

Applicants respectfully request reconsideration of this application, and reconsideration of the Office Action dated February 25, 2005. Upon entry of this Amendment, claims 1-12, 14, and 15 will remain pending in this application with claims 4, 6, 10, 11, and 14 currently being withdrawn. No new matter has been added as a result of this Amendment.

As an initial matter, Applicants gratefully acknowledge the Examiner's express indication that claims 9 and 15 are allowed. Applicants point at that a small change has been made to claim 9 for purposes of clarity. Moreover, the change is not intended to effect the scope of claim 9.

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The sole outstanding issue concerns the rejection of claims 1-3, 5, 7, 8, and 12 under 35 U.S.C. § 103(a) as obvious based on JP 62-285947. Applicants respectfully traverse this rejection.

By this Amendment, independent claim 1 (from which the remaining claims depend) has been amended to recite a concentration of from 82 to 98% by weight for the thermoplastic component. Hence, Applicants restate the arguments presented in the last Amendment to show how the presently claimed invention is patentably distinguishable over JP '947.

Applicants respectfully submit that JP '947 does not teach or suggest, in either its broad teachings or in the Examples set forth in Tables I and II therein, the specific combination of a thermoplastic component concentration of from 82 to 98% by weight, an impact modifier concentration of from 2 to 18% by weight, and a (B2)/(A) ratio of from 40/60 to 25/75.

JP '947 teaches that the polyester composition therein contains (A) 100 parts by weight of aromatic polyester, (B) 1-80 parts by weight of epoxy group-containing

copolymer from epoxy group-containing unsaturated monomer and epoxy group-free unsaturated monomer, and (C) 1-80 parts by weight of rubbery graft polymer (see, e.g., the claim and page 3, last paragraph). The preferred amount of the epoxy group-containing copolymer is 2-50 parts by weight, and the more preferred amount is 3-30 parts by weight (see, e.g., page 7, second full paragraph). The preferred amount of the rubbery graft polymer is 2-50 parts by weight, and the more preferred amount is 3-30 parts by weight (see, e.g., page 9, last two lines). Thus, in its broadest embodiment, the polyester composition disclosed in JP '947 contains from 38 to 98% by weight of the polyester and from 0.2 to 62% by weight of the impact modifier and has a (B)/(C) ratio of 1:80 to 80:1. In its preferred embodiment, the polyester composition contains from 50 to 96% by weight of the polyester and from 4 to 50% by weight of the impact modifier and has a (B)/(C) ratio of 2:50 to 50:2. In its more preferred embodiment, the composition contains from 62.5 to 94% by weight of the polyester and from 6 to 37.5% by weight of the impact modifier and has a (B)/(C) ratio of 3:30 to 30:3.

In the Invention Examples and Comparative Examples set forth in Applicants' specification (see pages 14-15), the compositions contained 80% by weight of polybutadiene terephthalate (PBT) and 20% by weight of impact modifier and had (B)/(A) ratios that varied as shown in Tables 1 and 2 on page 16. Although the PBT and impact modifier concentration levels and (B)/(A) ratios used in the Invention Examples set forth in Tables 1 and 2 are each within the broad, preferred and more preferred ranges set forth in the specification of JP '947, the PBT and impact modifier concentration levels and (B)/(A) ratio used in the Comparative Examples are also within the scope of ranges disclosed in JP '947. As can be seen in Tables 1-3, Applicants' Examples and Comparative Examples show that the particular (B)/(A) ratio used has a significant effect on Notched Charpy impact strength at -40°C and +23°C and on the melt flow index (MFI) of the composition (see Table 3, pages 15-16). Thus, Applicants' Examples and

Comparative Examples show unexpected results relative to particular (B)/(A) ratios within the scope of amended claim 1.

Although the broadest embodiment of the JP '947 composition has concentration levels of PBT and impact modifier and a (B)/(A) ratio range that covers the PBT and impact modifier concentrations and (B)/(A) ratios used in both Applicants' Invention Examples and Comparative Invention Examples, none of the specific Examples set forth in JP '947 use the specific combination of polyester and impact modifier concentration levels and (B)/(A) ratio set forth in amended claim 1. Applicants incorporate the arguments presented in the last Amendment which explain in detail how none of the specific Examples set forth in JP '947 use the specific combination of polyester and impact modifier concentration levels and (B)/(A) ratio set forth in amended claim 1.

Therefore, in view of the unexpected results shown in Applicants' Invention Examples and Comparative Examples relative to the (B)/(A) ratio's impact on Notched Charpy Impact Strength at -40°C and +23°C and on melt flow index and further in view of JP '947's failure to specifically teach the combination of polyester and impact modifier concentration levels and (B)/(A) ratio range set forth in amended claim 1, Applicants respectfully submit that claims 1-3, 5, 7-9 and 12 would not have been obvious over JP '947.

Applicants respectfully submit that this Amendment and the above remarks obviate the outstanding rejection in this case, thereby placing the application in condition for immediate allowance. Allowance of this application is earnestly solicited.

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If any fees are due in connection with the filing of this Amendment, such as fees under 37 C.F.R. §§ 1.16 or 1.17, please charge the fees to our Deposit Account No. 02-4300; Order No. 033808.137.

Respectfully submitted,

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